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Corporation, as Receiver for Silicon Valley Bank
and the Federal Deposit Insurance Corporation,
as Receiver for Silicon Valley Bridge Bank, N.A.*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOE DIVISION**

SVB FINANCIAL GROUP,

Plaintiff,

v.

FEDERAL DEPOSIT INSURANCE
CORPORATION, as Receiver for Silicon Valley
Bank and Silicon Valley Bridge Bank, N.A.,

Defendant.

Case No. 5:24-cv-01321-BLF

**[PROPOSED] ORDER GRANTING
FDIC-R1 AND FDIC-R2'S MOTION TO
DISMISS**

Judge: Hon. Beth Labson Freeman
Action Filed: March 5, 2024
Hearing Date: September 5, 2024
Time: 9:00 a.m.
Courtroom: 3 – 5th Floor

*[Filed concurrently with the FDIC-R1 and
FDIC-R2's Notice of Motion and Motion to
Dismiss; Declaration of Luis Mayorga in
Support of Motion to Dismiss]*

[PROPOSED] ORDER

The Court has considered the Motion to Dismiss filed by Defendant Federal Deposit Insurance Corporation, as receiver for Silicon Valley Bank (“FDIC-R1”) and as receiver for Silicon Valley Bridge Bank, N.A. (“FDIC-R2”) (“the Motion to Dismiss”).

After consideration of the pleadings, briefs, and oral argument presented, as well as all other matters presented to the Court, and for the reasons set forth in the Memorandum of Points and Authorities in Support of the Motion to Dismiss, the Court hereby **GRANTS** the Motion to Dismiss as follows:

1. Counts II, III, V, VI, VII, and VIII are dismissed with prejudice for lack of subject matter jurisdiction, pursuant to FED. R. CIV. P. 12(b)(1);
2. Count I is dismissed with prejudice for failure to state a claim, pursuant to FED. R. CIV. P. 12(b)(6), against FDIC-R1 to the extent it seeks prejudgment interest and lost earnings;
3. Count I is dismissed with prejudice for failure to state a claim, pursuant to FED. R. CIV. P. 12(b)(6), against FDIC-R2 in its entirety; and
4. Counts II-XII are dismissed with prejudice for failure to state a claim, pursuant to FED. R. CIV. P. 12(b)(6).

IT IS SO ORDERED.

Date: _____

The Honorable Beth Labson Freeman
United States District Court Judge